IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

Bail Appl..No. 4048 of 2007()

CRMP.2172/2007 of D.C. & SESSIONS COURT,KOLLAM
CRIME NO.266/2007 OF ANCHALUMMOOD POLICE STATION

.....

: PETITIONER/1ST ACCUSED

VIPIN K.V.,
KAVUNGAL PLOT, EAST KALLADA P.O., KOLLAM.

BY ADV. SRI.S.SANTHOSH KUMAR

RESPONDENTS: COMPLAINANT

THE SUB INSPECTOR OF POLICE,
ANCHALUMMOOD POLICE STATION, KOLLAM,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4048 of 2007

Dated this the 5th day of July, 2007

ORDER

Application for anticipatory bail. The petitioner along with co-accused faces allegations under Section 498 A I.P.C. His wife has filed the complaint before the Magistrate, which was referred to the police under Section 156(3) Cr.P.C. The co-accused have already been granted anticipatory bail by the learned Sessions Judge. The petitioner's prayer for anticipatory bail was rejected by the learned Sessions Judge. Investigation is in progress. He apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the spouses had entered matrimony in 2004. There was strain in the matrimony and they have started separate residence from 2005. Because of such strain in the matrimony, false and exaggerated allegations are raised. It is prayed that directions under Section 438 Cr.P.C may be issued to save the petitioner from the undeserved trauma of arrest and detention.

3. The learned Public Prosecutor does not oppose the prayer for anticipatory bail. I find the stand taken by the learned Public Prosecutor to be reasonable. Arrest and incarceration of the petitioner is likely to mar all chances of reconciliation in marriage.

Appropriate conditions may be imposed in the interests of a fair, efficient and expeditious investigation.

4. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 12.07.2007. He shall be enlarged on regular bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 1 p.m on 13.07.2007 and 14.07.2007 and thereafter between 10 a.m and 12 noon on all Mondays for a period of two months. Subsequently he shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 12.07.07 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 12.07.07.

(R.BASANT, JUDGE)

rtr/-